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UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA

ROBERT ANSARA, as Special)	CASE NO.: 2:19-CV-01394-GMN-VCF
Administrator of the estate of D.B., born)	
December 18, 2015 and died August 15,)	STIPULATION AND ORDER TO
2017 and GABRIELLE BRANON-)	EXTEND DISCOVERY (First Request)
CHESLEY, individually, as the Natural)	
Mother of D.B., DAVID BANKS,)	
individually and as the Natural Father of)	
D.B.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
GLORIA MALDONADO, individually;)	
AUDRA GUITERREZ/GUERRO,)	
individually; RICHARD WHITLEY,)	
Director of the Nevada Department of)	
Health and Human Services, individually;)	
ROSS ARMSTRONG, Administrator of)	
Nevada Division of Child and Family)	
Services, individually; YOLANDA KING,)	
Clark County Manager, individually, TIM)	
BURCH, Director of Clark County)	
Department of Family Services,)	
individually; DIAMOND FOR,)	
individually; CRAIG DICKENS;)	
individually; DOE individuals I-XX; ROE)	
CLARK COUNTY DEPARTMENT OF)	
FAMILY SERVICES EMPLOYEES I-XX,)	

1 individually and in their official capacities;)
2 CLARK COUNTY DEPARTMENT OF)
3 FAMILY SERVICES; COUNTY OF)
4 CLARK, a political subdivision of the State)
5 of Nevada; TROPICANA DE, LLC, d/b/a)
6 SIEGAL SUITES OF TROPICANA, a)
7 Foreign Limited Liability Corporation;)
8 AND DOE SECURITY COMPANY and)
9 ZOE CORPORATIONS XXI-XXX,)
10 Defendants.)

11 **IT IS HEREBY STIPULATED** by and between the parties that discovery shall be
12 extended ninety (90) days.

13 This litigation arose out of a wrongful death that occurred on August 15, 2017. Plaintiffs
14 filed their original Complaint on August 14, 2019. A First Amended Complaint was filed on
15 August 15, 2019. Defendant Tropicana DE, LLC filed their Motion to Dismiss on September 9,
16 2019. Defendant Richard Whitley filed a Motion to Dismiss on October 24, 2019. Defendants
17 Clark County, Gloria Maldonado, Audra Gutierrez/Guerro, Yolanda King and Tim Burch filed
18 their Joinder to Richard Whitley's Motion to Dismiss; and Separate Motion to Dismiss on October
19 31, 2019.

20 The parties agree that an additional ninety (90) days are needed to disclose experts and
21 complete discovery.

22 **I. Discovery Completed to Date**

- 23 1. The parties have disclosed their initial NRCP 16.1 disclosures.
 - 24 2. Plaintiffs served written discovery to Defendant Tropicana De, LLC on February 12,
25 2020.
 - 26 3. Plaintiffs served written discovery to Defendant Clark County on February 12, 2020
 - 27 4. Plaintiffs served written discovery to Defendant Richard Whitely on April 10, 2020.
- 28

1 5. Defendant Richard Whitely served written discovery to Plaintiff Robert Ansara on
2 December 6, 2019. Plaintiff responded on January 10, 2020.

3
5 6. Defendant Richard Whitley served Request for Admission to Plaintiff David Banks
6 on February 28, 2020. Plaintiff responded on March 1, 2020.

7
8 **II. Description of Additional Proposed Discovery**

9 The parties discussed what additional discovery needs to be completed in this matter. It
10 was determined that, in order to fully litigate and investigate all alleged claims and
11 defenses, the parties needed to engage in the following:

- 12 1. Depositions of parties and witnesses.
13 2. Retention of experts.
14 3. Disclosure of all experts and their reports as well as depositions of the same.

15 **Proposed Schedule for Completing All Remaining Discovery**

16 The parties wish to extend the dates for discovery as follows;

	<u>Current Dates</u>	<u>Proposed Dates</u>
Last day to amend pleadings or add parties	July 18, 2019	Same
Last day to serve Initial Expert Disclosures	July 17, 2020	October 15, 2020
Last day to serve Rebuttal Expert Disclosures	September 15, 2020	November 13, 2020
Last day to complete discovery	October 16, 2020	January 14, 2021
Last day to file dispositive motions	November 15, 2020	February 12, 2021

23 Joint Pretrial Order March 12, 2021

24 If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended
until 30 days after decision on the dispositive motions or further court order.

25 **III. Reasons Why Good Cause Exists to Extend Expert Discovery Deadlines**

26 FRCP 16(b)(5) provides that the scheduling order “shall not be modified” except upon
27 a showing of good cause. The purpose of this rule is “to offer a measure of certainty in pretrial
28 proceedings, ensuring that at some point both the parties and pleadings will be fixed.” *Nutton v.*

1 *Sunset Station, Inc.*, Nev. Adv. Rep. 34, 357 P.3d 966, 971 (Nev. App. 2015). Good cause is
2 established by showing that the current deadline cannot be met despite the requesting party's
3 diligence in attempting to meet said deadline. Diligence in attempting to meet a deadline may be
4 determined by considering the explanation for the untimely conduct; the importance of the
5 requested untimely action; the potential prejudice in allowing the untimely conduct; and the
6 availability of a continuance to cure such prejudice. *Id.* at 971-72.

7
8 The parties have had difficulty getting answers to discovery, including because as some
9 of the individuals and organizations involved in this lawsuit are either county and State entities
10 or employees ~~which are currently shut down~~ some of whom have been ordered to stay home as
11 nonessential and/or are working remotely making access to documents and participating in
12 discovery difficult as a result of the COVID-19 quarantine. Additionally, although the parties
13 have been diligently trying to conduct discovery and schedule depositions, their good faith efforts
14 have been frustrated because of the current quarantine. This request is not being made in an
15 attempt to delay the litigation of this matter but instead is being requested as a result of the current
16 global pandemic and the party's inability to fully litigate the claim at this time. A brief extension
17 of time for discovery will allow the parties and their counsel to fully litigate this matter, taking
18 into account the delays caused by quarantine.

19
20
21 Date: April 14, 2020
22 **RICHARD HARRIS LAW FIRM**

23 */s/ Samantha A. Martin*

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Attorneys for Plaintiffs
Leslie Ortega and Faith Hubbard

Date: April 14, 2020
THE SIEGEL GROUP

/s/ Brandon J. Trout

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Attorneys for Defendant
Tropicana DE, LLC

1 Date: April 14, 2020

2 **OLSON, CANNON, GORMLEY &**
3 **STOBERSKI**

4 */s/ Felicia Gatali*

5 _____
6 Felicia Galati, Esq.
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10 *Attorneys for Defendants*
11 *Clark County, Gloria Maldonado,*
12 *Audra Guitierrez/Guerro,*
13 *Yolanda King And Tim Burch*

1 Date: April 14, 2020

2 **NEVADA ATTORNEY**
3 **GENERAL'S OFFICE**

4 */s/ Linda C. Anderson*

5 _____
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8 Linda C. Anderson, Esq.
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12 Las Vegas, Nevada 89101
13 *Attorneys for Defendant Richard*
14 *Whitley*

15
16 **IT IS SO ORDERED.**

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19 **UNITED STATES MAGISTRATE JUDGE**
20 **DATED: 4-14-2020**